

REMARKS

The application has been carefully reviewed in light of the Office Action dated September 11, 2006. Claims 1 to 6 and 8 to 16 are in the application, of which Claims 10 to 14 have been withdrawn from consideration pursuant to a restriction requirement. Claim 1 is the only independent claim under consideration. Claim 7 has been cancelled without prejudice. Claims 1, 5, and 9 have been amended, and Claims 15 and 16 have been newly added. Reconsideration and further examination are respectfully requested.

Initially, Applicants note that they have not yet received an acknowledgment of the claim for foreign priority. Such acknowledgment is respectfully requested.

Turning to the Office Action, Claims 5 and 9 were rejected under 35 U.S.C. § 112, second paragraph. The rejection is respectfully traversed, and is submitted to have been obviated by the amendments made to Claims 5 and 9.

Claims 1 to 9 were rejected under 35 U.S.C. § 112, first paragraph, for failure to comply with the written description requirement. The rejection is respectfully traversed.

Applicant notes that rejected Claims 1 to 9 were original claims. In this regard, MPEP § 2163(II)(A) states that the rejection of an original claim for lack of written description should be rare. There is a strong presumption that an adequate written description of the claimed invention is present when the application is filed. See MPEP § 2163(II)(A).

Furthermore, Applicant respectfully submits that one skilled in the art

would understand, in light of the specification, which types of probes could be used in the present invention. See, for example, col. 10, lines 3 to 12, and page 40, lines 1 to 15 of the specification. The skilled artisan would understand that various sequences can be employed depending on applications thereof. See, for example, U.S. Patent Nos. 5,874,219 and 6,476,215, which are cited in the accompanying Information Disclosure Statement.

Claims 1 to 9 were rejected under 35 U.S.C. § 101 for lack of utility. In a related rejection, Claims 1 to 9 were rejected under 35 U.S.C. § 112, first paragraph, for failure to comply with the enablement requirement. According to the rejections, the ability of the probe to hybridize to an unknown or uncharacterized target does not impart utility to the probe or to the probe medium. These rejections are not understood, and as such, are respectfully traversed.

The claims under consideration are clearly directed to a probe medium. Applicant respectfully submits that one skilled in the art would understand that the probe medium is useful in immobilizing a probe on a substrate. See, for example, page 8, lines 5 to 14, and withdrawn Claim 14 of the instant application.

Claims 1, 2, 6, and 8 were rejected under 35 U.S.C. § 102(b) over U.S. Patent No. 4,139,346 (Rabbani). The rejection is respectfully traversed.

Claim 1 recites, *inter alia*, a medium containing an organic solvent comprising at least a silane coupling agent.

Rabbani is not seen to disclose or suggest at least the above-discussed feature.

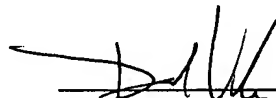
The dependent claims under consideration are also submitted to be patentable because they set forth additional aspects of the present invention and are dependent from the independent claim discussed above. Therefore, separate and individual consideration of each of these dependent claims is respectfully requested.

With respect to non-elected process Claim 13, rejoinder of this claim is respectfully requested upon the allowance of product Claim 1, pursuant to MPEP § 821.04(b).

The application is believed to be in condition for allowance, and a Notice of Allowance is respectfully requested.

Applicant's undersigned attorney may be reached in our Costa Mesa, California office by telephone at (714) 540-8700. All correspondence should be directed to our address given below.

Respectfully submitted,



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